

Caleb L. McGillvary, Pro Se  
#1222665/SBI#102317G NJSP  
PO Box 861 Trenton, NJ 08625

JANUARY 5, 2024


Clerk, US Dist. Ct. - DNJ  
US Courthouse  
50 Walnut Street  
Newark, NJ 07101

RE: McGillvary v Galfy et al  
Civil Action No. 2:21-cv-17121-MCA-CLW  
Hon. Madeline Cox-Arleo, U.S.D.J.  
Hon. Cathy L. Waldor, U.S.M.J.

Dear Clerk;

Please find enclosed and file onto the docket the original and 3 copies of my reply to the Defendants' responses to my motion to recuse Judge Arleo; and proof of service thereof; in the above-captioned matter.

Kind Regards,

  
Caleb L. McGillvary  
In Propria Persona

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CC: FILE

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Hon. Madeline Cox-Arleo, U.S.D.J.  
US Dist. Ct. - DNJ  
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50 Walnut Street  
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Civil Action No. 2:21-17121-MCA-CLW  
Hon. Madeline Cox-Arleo, U.S.D.J.  
Hon. Cathy L Waldor, U.S.M.J.

Dear Judge Arleo;

Please accept this letter in lieu of a more formal brief in reply to the Defendants' responses to my motion to recuse Judge Arleo from this proceeding.

Defendants have neglected to address Plaintiff's contention that Judge Arleo is likely to become a witness concerning the tampering with mail, obstruction of mail, and related first amendment claims in McGillvary v Scutari, Dkt no. 1:23-cv-22605-JRP, and recusal is necessary under 28 U.S.C. 455(b) for this reason. It's no admission of actual bias to recuse oneself. Recusal is evaluated on an "objective basis, so that what matters is not the reality of bias or prejudice but its appearance." *Liteky v United States* 510 U.S. 540, 548 (1994). This objective standard requires recusal when a "reasonable man knowing all the circumstances would harbor doubts concerning the judge's impartiality." *Edelstein v Wilentz* 812 F.2d 128, 131 (CA3 1987). Plaintiff has just filed complaints with the US DOJ, Government Accountability Office, Federal Elections Commission, NJ Election Law Enforcement Commission, and District Court regarding, amongst other things, obstruction of and tampering with the mail in furtherance of a money laundering network involved with unregistered foreign agents in tampering with American elections.

On top of this, the claims of mail obstruction are substantiated by USPS tracking numbers which provide

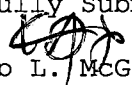
reference to self-authenticating public records that are judicially noticeable par excellence. See Scutari, Dkt No. 1:23-cv-22605-JRP; ECF 1 at Paragraphs "75"-"116".

A reasonable man, knowing all of these circumstances, would harbor more than a passing doubt about impartiality. Whether or not Judge Arleo is actually biased is not the issue.

For all the foregoing reasons, Plaintiff respectfully urges Judge Arleo to recuse herself from this proceeding.

1/5/24

Respectfully Submitted,

  
Caleb L. McGillvary  
In Propria Persona

ENCL:

CC: FILE


PROOF OF SERVICE

I, Caleb L. McGillvary, declare pursuant to 28 U.S.C. 1746 that on today's date, I placed in the institutional mailing system here where I'm incarcerated at NJ State Prison 3rd & Federal Streets Trenton, NJ 08625; with First Class Postage prepaid to be sent via USPS Mail; the original and 3 copies of my reply to the Defendants' responses to my motion to recuse Judge Arleo to the Clerk of the USDC-DNJ at 50 Walnut St Newark, NJ 07101 for filing; and a copy of said document to Counsel for Defendants, Barabara Schwartz at 34 Mountain Blvd. Warren, NJ 07059; Peter M. Draper at 25 Market Street PO Box 116 Trenton, NJ 08625; Thai Nguyen at 25 Market Street PO Box 117 Trenton, NJ 08625; and Michael D'Alessio at 80 Main St. Ste 260 West Orange, NJ 07052 for service.

I hereby invoke the prison mailbox rule.

I declare under penalty of perjury that the foregoing statements made by me are true and accurate.

Executed this 5 Day of JANUARY, 2024

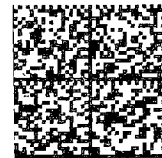
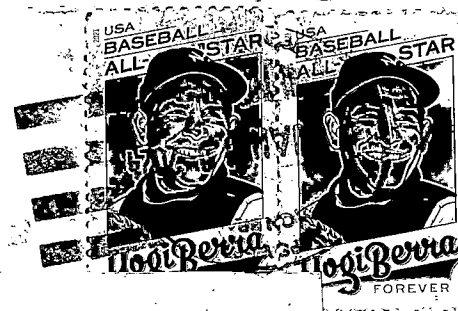
  
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